Remarks

Claims 1-11, As Amended, Are Not Indefinite

Claim 1 (and by dependency therefrom, claims 2-8) and claim 9 (and by dependency therefrom, claims 10 and 11) have been amended to remove ambiguities described in the Office Action and to more particularly point out and distinctly claim the subject matter which Applicants regard as their invention. Furthermore, since the Office Action indicates that claim 9 would be allowable if amended to overcome the rejection under §112, claims 10 and 11, which are otherwise unobjectionable and which depend from claim 9, should be allowed. Applicants respectfully request, therefore, that the §112 rejection of their claims 1-11 be withdrawn, and that claims 1-11, as amended, be allowed.

Claims 1-8, As Amended, Are Not Anticipated By, Or Obvious In View Of, U.S. Patent No. 4,525,107

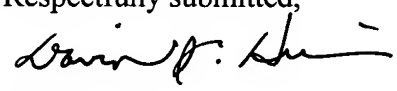
Claims 1-8 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,525,107 of Feldsted. These same claims have also been rejected under 35 U.S.C. §103(a) as being obvious over the Feldsted patent.

The Feldsted patent describes a barge having a pneumatic loading and unloading system for fluidizable material. This system includes three elongated containers that are disposed side by side along the length of the barge. A plurality of container inlets (eight for the central container and nine for each of the other containers, as shown in Figure 2) are provided for each container. A fluidizing horizontal pneumatic conveyor is built into the bottom of each container for transporting material along the bottom of the container to a plurality of nozzles (eight are shown in Figure 3) for removal

of the material from the hopper. These fluidizing horizontal pneumatic conveyors are slanted at an angle so that the fluidized material therein is conveyed by "air-assisted gravity flow" (see column 3, line 67 through column 4, line 8). A transporter assembly, comprising a combination of horizontal fluidizing pneumatic conveyors (which are also slanted so as to convey material by "air-assisted gravity flow") connected with vertical vacuum lift tubes, conveys the material from each nozzle to a centrally-located vacuum-pressure pneumatic conveyor. Each of these vacuum lift tubes comprises "a short-line, substantially vertical, dense-phase conduit which raises the material with vacuum suction" (see column 5, lines 19-22). The centrally-located vacuum-pressure pneumatic conveyor transports the material to an onshore storage vessel. The Feldsted system thus describes a complex transport assembly in which each storage container includes a plurality of container inlets, an internal fluidizing conveyor and a plurality of container outlets. This arrangement is required in order to provide "balanced" loading and unloading of each of the Feldsted containers (see column 5, lines 8-14). In contrast, Applicants' system, as described in claims 1-8, as amended, is a much simpler system, in which each of the ship based hoppers ***includes only one container inlet and only one container outlet***. Consequently, the Feldsted patent cannot be said to anticipate, suggest or render obvious Applicants' invention, as described in claims 1-8, as amended.

Applicants respectfully submit that all of their claims, as amended, are patentable. Applicants respectfully request, therefore, that the §112 rejection of claims 1-11 be withdrawn, that the §102(b) rejection of claims 1-8 be withdrawn, that the §103(a) rejection of claims 1-8 be withdrawn, and that claims 1-11, as amended, be allowed. If the Examiner has any questions about this Amendment/Response, he is invited to call Applicants' attorney at the telephone number set out below.

Respectfully submitted,



David J. Hill
Attorney for Applicants
(Registration No. 28427)
Chambliss, Bahner & Stophel, P.C.
1000 Tallan Building
Two Union Square
Chattanooga, Tennessee 37402
(423) 756-3000
dhill@cbslawfirm.com